

Remarks

In the office action mailed January 21, 2004, Applicants respectfully request reconsideration. For further prosecution of this application, Applicants submit the following remarks. The claims as presented are believed to be in allowable condition.

In the present application, independent claims 1, 3, 12, 16, and 17 have been amended. Independent claims 1, 12, and 16 have been amended to specify that the claimed method, computer-readable medium, and system identify unfulfilled subscriber demand based on a subscriber attribute and a media-content-access history of a subscriber. The aforementioned claims have further been amended to specify that a new media-content offering is developed from previously unavailable media-content based on a subscriber attribute in combination with the media-content-access history of the subscriber. Support for these amendments may be found on at least pages 6-7 in paragraph 20 and page 9 in paragraph 27. Dependent claims 2, 3 and 17 have been amended to remove the term "further" following "attribute" so that antecedent basis is provided for the use of the term "attribute" in independent claims 1 and 16. No new matter has been added.

Claims 1-17 and 19-20 are currently pending in the application. Claims 1, 2-4, 5, 6, 7, 8-16, and 17, and 19-20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Lawler (U.S. Patent 5,758,259) in view of Klarfeld et al. (Published U.S. Patent Application US 3004/0067554, hereinafter "Klarfeld").

Claim Rejections - 35 U.S.C. §103

Claims 1, 5, and 8-16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Lawler in view of Klarfeld. The Lawler reference is directed to an automated selective programming guide which is generated based on the television viewing history of a viewer. (See

Col. 2, lines 3-33). Lawler, however, fails to teach, disclose, or suggest identifying unfulfilled subscriber demand based on a subscriber attribute and a media-content-access history of a subscriber, as specified in independent claims 1, 12, and 16. In the Office Action, Lawler is interpreted as identifying unfulfilled subscriber demand and developing new media-content offerings based on viewer history data as the subscriber attribute (See paragraph 8 of the Office Action). Claims 1, 12, and 16, however specify that a subscriber attribute (such as a subscriber purchasing history as specified in claim 12) in addition to a media-content-access history of a subscriber (which may include a subscriber viewing history) be used in identifying unfulfilled subscriber demand. Furthermore, claims 1, 12, and 16 also specify that the subscriber attribute be used in combination with the media-content-access history to develop a new media-content offering. Lawler fails to teach, disclose, or suggest a subscriber attribute other than the viewing history of a subscriber in the identification of unfulfilled subscriber demand and the development of new media-content offerings.

Klarfeld discloses developing targeted content based on television user viewing histories (Abstract, Para 0261). Klarfeld, however, like Lawler, fails to fails to teach, disclose, or suggest a subscriber attribute other than the viewing history of a subscriber in the identification of unfulfilled subscriber demand and the development of new media-content offerings. Thus, since Lawler in combination with Klarfeld fail to teach, disclose, or suggest each and every element of amended claims 1, 12, and 16, these claims are allowable and the rejections of these claims under 35 U.S.C. § 103(a) should be withdrawn.

Claims 2-11 each from independent claim 1 and are thus allowable for at least the same reasons discussed above with respect to claim 1 above including the additional features recited therein. Similarly, claims 13-15 depend from independent claim 12 and are thus allowable for at

least the same reasons discussed above with respect to claim 12 including the additional features recited therein. Similarly, claims 17 and 19-20 depend from independent claim 16 and thus are allowable for at least the same reasons as discussed above with respect to claim 16 including the additional features recited therein. Therefore, the rejections of claims 2-11, 13-15, 17, and 19-20 under 35 U.S.C. § 103(a) should also be withdrawn.

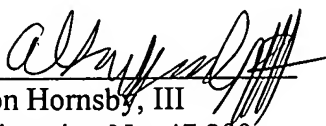
Conclusion

In view of the foregoing amendments and remarks, this application is now in condition for allowance. A notice to this effect is respectfully requested. If the Examiner believes, after this amendment, that the application is not in condition for allowance, the Examiner is invited to call the Applicants' attorney at the number listed below.

The Applicants believe that no extension of time is required; however, this conditional petition is being made to provide for the possibility that the applicants have inadvertently overlooked the need for a further additional extension of time. If any additional fees are required for the timely consideration of the application, please charge deposit account number 13-2725.

Respectfully submitted,

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